

# OFFICE OF THE ATTORNEY GENERAL

81-00053



CHARLES A. GRADDICK  
ATTORNEY GENERAL  
STATE OF ALABAMA

NOV 3 1980

ADMINISTRATIVE BUILDING  
64 NORTH UNION STREET  
MONTGOMERY, ALABAMA 36130  
AREA (205) 834-5150

LEE L. HALE  
DEPUTY ATTORNEY GENERAL  
WILLIAM M. BEKURS, JR.  
EXECUTIVE ASSISTANT  
WALTER S. TURNER  
CHIEF ASSISTANT ATTORNEY GENERAL  
JANIE NOBLES  
ADMINISTRATIVE ASSISTANT

Dr. Larry Beaty, Superintendent  
Dale County Board of Education  
P. O. Box 978  
Ozark, Alabama 36360

Board of Education -  
Liability -

County Board of Education may  
not pay judgment against its  
employee entered as result of  
suit stemming from negligent  
operation of Board vehicle by  
employee.

Dear Dr. Beaty:

I have received your letter and the accompanying documentation in which you request an Attorney General's opinion. I understand that a vehicle owned by the County Board of Education and driven by a Board employee collided with a parked vehicle owned by a private individual, causing some \$600 damage to the private vehicle. Insurance on the private vehicle covered all the damage except the \$50 deductible which was paid by the owner and was subsequently recovered through an action before the Board of Adjustment. The private individual and his insurance carrier have recently filed a civil action against your employee. The questions on which you request an opinion are (1) whether the Dale County Board of Education may pay the plaintiff in the action \$280 in settlement on behalf of the Board's employee, and (2) whether the Board may reimburse the employee in the event he loses the suit.

Dr. Larry Beaty  
Page Two

The answers to both your questions are in the negative. The general rule of law in Alabama as elsewhere is that an employee and an employer are jointly and severally liable for the damage resulting from the negligent acts of the employee if such acts were done within the scope of his employment. When, however, the State of Alabama or any one of its agencies, commissions, boards, institutions or departments is the employer, the only recourse to an injured party against the State is through the Alabama State Board of Adjustment. There is no law which would permit a local board of education to enter into a settlement on behalf of an employee or to reimburse an employee if he loses in a civil action such as this. Anyone with a claim against the County Board of Education must file that claim with the Board of Adjustment.

I hope this answers your questions. If I or this office can be of further assistance please call on us.

Sincerely,

CHARLES A. GRADDICK  
Attorney General

By-



RONALD C. FOREHAND  
Assistant Attorney General

RCE/js